

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GREAT AMERICAN INSURANCE COMPANY OF  
NEW YORK,

Plaintiff,

- against -

ADVANCE OCEAN INC., NIPPON YUSEN  
KAISHA, NYK LINE (NORTH AMERICA) INC.,  
BURLINGTON NORTHERN SANTA FE  
CORPORATION, BNSF RAILWAY COMPANY,  
THE BURLINGTON NORTHERN AND SANTA FE  
RAILWAY COMPANY,

Defendants.

-----X  
**DEFENDANTS' MOTION  
FOR TRANSFER OF VENUE  
PURSUANT TO 28 U.S.C. §  
1404 (a)**

07 CIV 6421 (PAC)(THK)

**PLEASE TAKE NOTICE**, that based upon the annexed Declaration of Arjay G. Yao, dated February 1, 2008, and all exhibits attached thereto, defendants' Memorandum of Law, and upon all prior pleadings and proceedings in this action, defendants BURLINGTON NORTHERN SANTA FE CORPORATION, BNSF RAILWAY COMPANY, THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY ("BNSF") and NIPPON YUSEN KAISHA , NYK LINE (NORTH AMERICA) INC. ("NYK Line"), will move this Court as soon as counsel may be heard, before the Honorable Paul A. Crotty, United States District Court Judge, Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York, 10007, for an Order pursuant to 28 U.S.C. § 1404 (a), transferring this action to the United States District Court, Central District of California on the grounds that: (1) the governing statute and the contractual terms provide for venue in the Central District of California; and (2) this case has no connection to the Southern

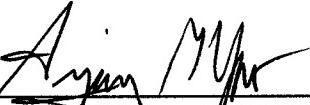
District of New York. Based upon the interests of justice, defendants seek an Order transferring venue of this action from the Southern District of New York to the Central District of California, together with such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that answering papers, if any, must be served by in accordance with the briefing schedule adopted at the January 17, 2008 court conference.

Dated: New York, New York  
February 1, 2008

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

By: 

Ronald E. Joseph (RJ 9302)  
Arjay G. Yao (AY0506)  
Attorneys for Defendants BNSF and  
NYK Line  
120 Broadway, 27th Floor  
New York, New York 10271-0079  
(212) 238-4800

TO: KINGSLEY KINGSLEY & CALKINS  
Attorneys for Plaintiff  
91 West Cherry Street  
Hicksville, New York 11801

JUNGE & MELE LLP  
Attorneys for Advance Ocean, Inc.  
29 Broadway  
9th Floor  
New York, New York 10006

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK )  
                      )  
                      ) ss.:  
COUNTY OF NEW YORK )

**MIRIAM DEIKUN**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at QUEENS, NEW YORK.

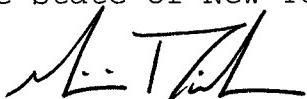
That on the 1<sup>st</sup> day of February, 2008, deponent served the within **DEFENDANTS' MOTION FOR TRANSFER OF VENUE PURSUANT TO 28 U.S.C. §1404(a)**

upon

KINGSLEY KINGSLEY & CALKINS  
Attorneys for Plaintiff  
91 West Cherry Street  
Hicksville, New York 11801  
Attn: Kevin T. Murtagh, Esq.

JUNGE & MELE LLP  
Attorneys for Advance Ocean, Inc.  
29 Broadway, 9<sup>th</sup> Floor  
New York, New York 10006  
Attn: Peter Junge, Esq.

attorneys in this action, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.



Miriam Deikun

Sworn to before me this  
1<sup>st</sup> day of February 2008



Notary

JELENA BRIGIDA  
Notary Public, State of New York  
No. 01BR6156932  
Qualified in Kings County  
Commission Expires Dec. 4, 2010